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**Office of the Mayor
City of Seattle**
Gregory J. Nickels, Mayor

**Executive Order: 06-04
Worker Retention in City Lease Agreements or Contracts**

An Executive Order requiring City departments to include worker retention provisions in building cleaning, maintenance and security service contracts for certain service workers. The Executive Order directs City departments to include a requirement that a successor contractor and its subcontractor(s) retain those employees who worked in connection with the care, maintenance and security of an existing city-owned building or facility for a terminated contractor or its subcontractor(s) under a service contract.

WHEREAS, the City of Seattle enters into various agreements regarding the cleaning, maintenance and security of its facilities either directly or through a third-party manager;

WHEREAS, the City of Seattle is also involved in the leasing of city-owned real property to public or private firms or organizations for various purposes, including but not limited to entertainment, commercial, and retail activities, and these firms or organizations often enter into agreements regarding building cleaning, maintenance and security services;

WHEREAS, at the conclusion of these service contracts, competition may result in awarding a new building cleaning, maintenance and security services contract to a different contractor or subcontractor;

WHEREAS, the City has found that the reasons for a change do not always necessitate the replacement of those workers presently performing these services;

WHEREAS, it is the policy of the City of Seattle to promote stability in employment in contracts for building cleaning, maintenance and security services in city-owned real property or facilities;

WHEREAS, Executive Order 05-03 directed City departments to include a requirement that a successor contractor and its subcontractor(s) retain those employees who worked in connection with the care and maintenance of an existing city-owned building or facility for a terminated contractor or its subcontractor(s) under a service contract;

WHEREAS, security officers are not currently covered by the worker retention policies of Executive Order 05-03;

NOW, THEREFORE, I, GREGORY J. NICKELS, Seattle Mayor, do order that all City departments and offices revise their contracting procedures to include provisions to require a successor contractor or its subcontractor(s) to retain, for 90 days, those janitorial, custodial and security employees who maintain and keep safe city-owned real property or facilities. The contract shall also include language that requires the successor contractor or its subcontractor(s) to perform a written performance evaluation of each employee retained, under the Executive Order, at the end of the 90-day period. If the evaluation is satisfactory, the successor contractor or its subcontractor(s) must offer the retained employee continued employment under the terms and conditions established by the successor contractor or its subcontractor(s) or as required by law. This requirement applies to all contracts where the City is the owner/manager of real property or facilities, contracts to a third party to manage its real property or facilities, or where the City leases city-owned real property or facilities to a public or private firm or organization that enters into a separate contract with a contractor or subcontractor for the care, maintenance and security of the real property or facility.

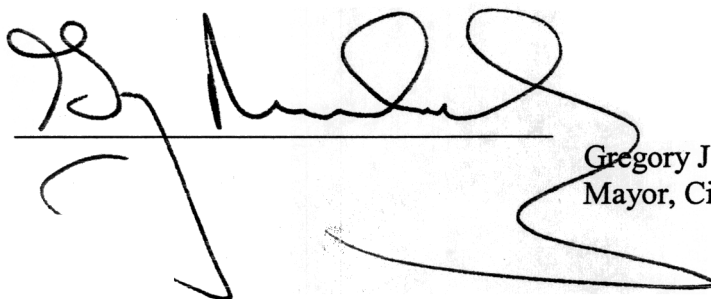
FURTHERMORE, City Departments and procurement staff are to include language in building cleaning, maintenance and security service contracts requiring the terminated contractor to provide a list of the name, address, phone number, date of hire, and employment classification of each covered employee to the successor contractor within ten (10) working days after receiving notification that the contract has been terminated.

FURTHERMORE, the requirements of this Executive Order do not apply to: buildings or facilities that are less than 50,000 square feet in size; employees who have been employed at the specific site for less than ninety (90) days prior to the date the terminated contractor's contract is terminated; employees who are classified as managerial, supervisory, or confidential employees; employees who work less than eight (8) hours per week at the covered site(s); employees of a general contractor or special trade contractors primarily engaged in building repair work; employees that are required to possess an occupational license, unless such employee is a licensed security guard under RCW 18.170; or building cleaning, maintenance and security service contracts that are awarded to sheltered workshops as described in RCW 82.04.385.

FURTHERMORE, this Executive Order supersedes Executive Order 05-03.

Inquires regarding this Executive Order should be directed to Joe Garcia, Fleets and Facilities Department at (206) 233-2784.

Dated this 25th day of October, 2004.



Gregory J. Nickels
Mayor, City of Seattle